

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

SS.

County of Emery,)

I, Kevin Ashby, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 1 (One) consecutive issues, and that the first publication was on the 20th day of June, 1995 and that the last publication of such notice was in the issue of such newspaper dated the 20th day of June, 1995.

*Kevin Ashby*

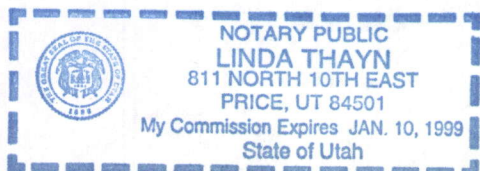
Kevin Ashby - Publisher

Subscribed and sworn to before me this 20th day of June, 1995.

*Linda Thayne*

Notary Public My commission expires January 10, 1999 Residing at Price, Utah

Publication fee, \$56.00



**NOTICE OF TENTATIVE  
DECISION TO APPROVE  
NO. M/015/061**

BEFORE THE DIVISION OF OIL, GAS AND MINING DEPARTMENT OF NATURAL RESOURCES STATE OF UTAH IN THE MATTER OF TENTATIVE DECISION TO APPROVE REVISION TO AN EXISTING MINING AND RECLAMATION PLAN FOR WESTERN CLAY COMPANY, EMERY COUNTY UTAH

THE STATE OF UTAH TO ALL OPERATORS, TAKERS OF PRODUCTION, MINERAL AND ROYALTY OWNERS, AND PARTICULARLY ALL PERSONS INTERESTED IN SECTION 7 AND 8, TOWNSHIP 25 SOUTH, RANGE 6 EAST, SLBM, EMERY COUNTY, UTAH.

Notice is hereby given by the Division of Oil, Gas and Mining of its tentative decision to approve Western Clay Company's Mining and Reclamation Plan for the Last Chance Mine. Mining activities will effect the following area: NE/4 Section 7 and the NW/4 Section 8, Township 25 South, Range 6 East, Salt Lake Base and Meridian, Emery County, Utah.

Western Clay Company has submitted a permit application to expand their small mining operations. The operator will employ the following mining and reclamation techniques on approximately 10.2 acres of land.

**During Operations**

Bentonite clay will be removed using a front end loader or dozer. The material is disced, partially dried and stockpiled prior to loading and truck transport to the Western Clay plant in Aurora, Utah. The mine will operate approximately 90 days per year, depending upon market demand.

**Following Operations**

The disturbed area will be regraded to slopes not exceeding 3H:1V. The pit highwall will be backfilled and recontoured. Approximately 8.3 acres will be covered with 6 inches of topsoil from the topsoil stockpiles and an onsite borrow area. 3000 - 4,000 lbs. of alfalfa hay will be tilled into the soil, the area will be fertilized with 40 lbs/acre nitrogen and 100 lbs/ac. phosphorus, then seeded using a seed mix recommended by the BLM (seed mix is included in the plan). Approximately 1.9 acres of barren bentonite outcrop will not be revegetated.

The person representing the company is Mr. Neal Mortensen; Phone (801) 529-3281. Western Clay Company is fulfilling obligations under the Utah Mined Land Reclamation Act of 1975, Utah Code Ann. §40-8-18.

Any person or agency aggrieved by this tentative decision to issue approval is hereby requested to submit written protest within thirty (30) days of the date of publication to Lowell Braxton, Associate Director of Mining, Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203, setting forth factual reasons for the complaint. If no responsive written protests are received by the Division within 30 days after the last date of publication, the tentative decision of the Division will be final.

DATED THIS 12th day of June, 1995

STATE OF UTAH  
DIVISION OF OIL, GAS AND MINING  
-s-James W. Carter  
Director

Published in the Emery County Progress June 20, 1995.